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TECH CENTER 1600/2900REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTALAddress to:
Commissioner for Patents
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| | |
|------------------------|----------------------|
| Application Number | 09/464,528 |
| Filing Date | December 15, 1999 |
| Examiner Name | C. Collins |
| First Named Inventor | S. Carl Falco et al. |
| Group Art Unit | 1646 |
| Attorney Docket Number | BB1205 US NA |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 04-1928.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|--------------------|------------------------------|-----------------------------------|-------------------|
| Name (Print /Type) | Lynne M. Christenbury | Registration No. (Attorney/Agent) | 30,971 |
| Signature | <i>Lynne M. Christenbury</i> | Date | February 21, 2002 |

CERTIFICATE OF MAILING OR TRANSMISSION

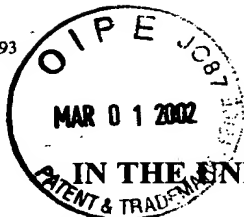
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

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| Name (Print /Type) | Lisa Z. Turner | | |
| Signature | <i>Lisa Z. Turner</i> | Date | 2-21-02 |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

SAVERIO CARL FALCO ET AL.

CASE NO.: BB1205 US NA

APPLICATION NO.: 09/464,528

GROUP ART UNIT: 1646

FILED: DECEMBER 15, 1999

EXAMINER: C. COLLINS

FOR: S-ADENOSYL-L-METHIONINE
SYNTHETASE PROMOTER AND ITS USE IN
EXPRESSION OF TRANSGENEIC GENES IN
PLANTS

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is submitted in connection with the Request for Continued Examination of the above-identified application. This response incorporates substantially everything that was in the Response After Final and further clarifies the claims. Reconsideration is respectfully requested and the following is submitted in support thereof.

In the Claims

Kindly amend the following claims:

- C1
1. (twice amended) An isolated nucleic acid fragment comprising:
- a) a promoter having at least 80% identity with any of the nucleotide sequences set forth in SEQ ID NOs:6, 14, 15, or 16, or
 - b) a promoter which hybridizes with any of the nucleotide sequences set forth in SEQ ID NOs:6, 14, 15, or 16 under moderately stringent conditions.
- C2
7. (twice amended) Seed of the plant as in any one of claims 3-6 wherein said seed comprises in its genome the chimeric gene of claim 2.

Remarks

Claim 1 has been amended to delete reference to a Clustal method of alignment. A number of alignment methods are discussed in the specification. Thus, it seems unnecessary to limit claim 1 to a particular method of alignment. No new matter has been added.